

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Patrick Yu	Team: Squad #8	CCRB Case #: 201810168	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Tuesday, 12/04/2018 3:20 PM	Location of Incident: [REDACTED]	Precinct: 44	18 Mo. SOL 6/4/2020	EO SOL 1/19/2021	
Date/Time CV Reported Thu, 12/06/2018 3:33 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Thu, 12/06/2018 3:33 PM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. Officers			
2. An officer			
3. SGT David Pabon	00128	939158	NARCBBX
4. DT3 Anthony Disimone	00340	918874	NARCBBX
5. DT3 David Demelia	02215	920200	NARCBBX
6. DT3 Robert Jaquez	192	938711	NARCBBX
7. DT3 Jodi Brown	04057	936246	NARCBBX

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. DT3 Roberto Toribio	03100	948148	NARCBBX
2. DT3 Abdiel Anderson	01429	932254	NARCBBX
3. DT3 Mark Oconnell	05367	900544	NARCBBX
4. DT3 Irie Humphrey	04680	928504	NARCBBX
5. Undercover shield number § 87(2)(b)		000000	

Officer(s)	Allegation	Investigator Recommendation
A.DT3 Anthony Disimone	Force: At § 87(2)(b) in the Bronx, Detective Anthony Disimone struck § 87(2)(b) with a radio.	[REDACTED]
B.DT3 Jodi Brown	Force: At § 87(2)(b) in the Bronx, Detective Jodi Brown used physical force against § 87(2)(b)	[REDACTED]
C. Officers	Force: At § 87(2)(b) in the Bronx, officers used physical force against § 87(2)(b)	[REDACTED]
D.DT3 Jodi Brown	Discourtesy: At § 87(2)(b) in the Bronx, Jodi Brown spoke discourteously to § 87(2)(b)	[REDACTED]
E.DT3 Robert Jaquez	Force: At § 87(2)(b) in the Bronx, Detective Robert Jaquez used physical force against § 87(2)(b)	[REDACTED]
F. Officers	Force: At § 87(2)(b) in the Bronx, officers used physical force against § 87(2)(b)	[REDACTED]
G. An officer	Discourtesy: At § 87(2)(b) in the Bronx, an officer spoke discourteously to § 87(2)(b)	[REDACTED]
H.DT3 David Demelia	Force: At § 87(2)(b) Detective David Demelia used physical force against § 87(2)(b)	[REDACTED]

Officer(s)	Allegation	Investigator Recommendation
I.DT3 David Demelia	Force: At § 87(2)(b) Detective David Demelia struck § 87(2)(b) s head against an object.	
§ 87(4-b), § 87(2)(g)		
§ 87(4-b), § 87(2)(g)		

Case Summary

On December 6, 2018, § 87(2)(b) filed this complaint with the CCRB via phone on behalf of himself and § 87(2)(b).

On December 4, 2018, at approximately 3:20 p.m., UC § 87(2)(b) of Narcotics Borough Bronx purchased narcotics from § 87(2)(b) in the vicinity of East 157th Street and Gerard Avenue, in the Bronx. Officers subsequently attempted to apprehend § 87(2)(b). As the officers were handcuffing § 87(2)(b), Det. Anthony Disimone allegedly struck § 87(2)(b) with a radio (**Allegation A: Force**, § 87(2)(g)). While on the ground, Det. Jodi Brown of Narcotics Borough Bronx and officers allegedly kicked § 87(2)(b) (**Allegation B: Force**, § 87(2)(g); **Allegation C: Force**, § 87(2)(g)). As § 87(2)(b) was recording the incident, Det. Brown allegedly told § 87(2)(b) “Get the fuck out of here” (**Allegation D: Discourtesy**, § 87(2)(g)). § 87(2)(b) subsequently walked away from the arrest location.

Det. Robert Jaquez of Narcotics Borough Bronx and unidentified officers approached § 87(2)(b) in the vicinity of § 87(2)(b) and allegedly threw § 87(2)(b) against a vehicle and then placed him in handcuffs (**Allegation E: Force**, § 87(2)(g); **Allegation F: Force**, § 87(2)(g)).

The officers escorted § 87(2)(b) to the police van and while outside the police van, § 87(2)(b) complained that his glasses were falling and an officer replied that he did not give a “fuck” (**Allegation G: Discourtesy**, § 87(2)(g)). § 87(2)(b) was arrested and charged with obstruction of governmental administration, criminal possession of controlled substance, disorderly conduct, and harassment (Board Review 16). § 87(2)(b) was charged with four counts of criminal possession of controlled substance, tampering with evidence, resisting arrest, criminal sale of marijuana, criminal possession of marijuana, and unlawful possession of marijuana (Board Review 15).

Det. David Demelia and Det. Irie Humphrey of Narcotics Borough Bronx transported § 87(2)(b) to § 87(2)(b). While at the hospital, Det. Demelia allegedly pushed § 87(2)(b) against a paper towel dispenser and kicked him (**Allegation H: Force**, § 87(2)(g); **Allegation I: Force**, § 87(2)(g)).

§ 87(2)(g)

Surveillance video was obtained from § 87(2)(b) in the Bronx, but it did not capture the area of the incidents. None of the officers were equipped with BWC and the CCRB was unable to obtain additional video footage pertaining to this incident.

Findings and Recommendations

Allegation (A) Force: At § 87(2)(b) in the Bronx, Detective Anthony Disimone struck § 87(2)(b) with a radio.

Sgt. Pabon, Det. Roberto Toribio, Det. Disimone, Det. Anderson, Det. Oconnell, Det. Demelia, Det. Humphrey, Det. Robert Jaquez, Det. Brown, and UC § 87(2)(b) of the Narcotics Borough Bronx

were performing “Buy and Bust” operations in the vicinity of § 87(2)(b) in the Bronx (Board Review 28). It is undisputed that officers from Narcotics Borough Bronx went to apprehend § 87(2)(b) after UC § 87(2)(b) purchased narcotics from him in the vicinity of § 87(2)(b).

In a phone statement, § 87(2)(b) stated that officers attacked him and an officer used a radio to hit him in the face. § 87(2)(b) did not cooperate with the investigation (Board Review 02).

In his CCRB statement, § 87(2)(b) stated that § 87(2)(b) was an acquaintance who he sees infrequently; § 87(2)(b) did not know § 87(2)(b)'s name. § 87(2)(b) saw § 87(2)(b) on the ground with three or four officers. § 87(2)(b) was positioned with his chest and the right side of his face against the ground (Board Review 01). While § 87(2)(b)'s hands were rear cuffed and § 87(2)(b) was not moving, Det. Disimone used the bottom of a radio to strike § 87(2)(b)'s left cheek once. § 87(2)(b) stated that he captured the incident on video, but § 87(2)(b)'s phone was still either in police custody or in the custody of the District Attorney's Office during the CCRB's investigation.

All of the officers interviewed stated that § 87(2)(b) ran upon seeing officers arrive at the location (Board Review 03-12). As § 87(2)(b) ran, he knocked down Det. Brown, ran across the street, then voluntarily went down on the ground towards the sewer. Det. Disimone stated that when he caught up to § 87(2)(b) was still on the ground and he told § 87(2)(b) to put his hands behind his back and to stop resisting, but § 87(2)(b) did not comply (Board Review 08). Aside from § 87(2)(b) refusing to give up his arms, § 87(2)(b) was not physically resisting in any other way. Det. Disimone assisted other officers in handcuffing § 87(2)(b) by placing his arms behind his back; Det. Disimone denied doing anything else to handcuff § 87(2)(b). Det. Disimone believes that his radio was clipped to his belt at the time and he denied taking his radio out when he was handcuffing § 87(2)(b). Det. Disimone denied striking § 87(2)(b) with his radio.

All of the officers interviewed provided consistent accounts that § 87(2)(b) resisted arrest by running away and refusing to give up his arms. Additionally, all of the officers denied seeing an officer strike § 87(2)(b) in the head with a radio.

Det. Disimone prepared TRI report #§ 87(2)(b) regarding this incident (Board Review 21). The TRI report did not record any force similar to an officer using a radio to strike § 87(2)(b). In his CCRB interview, Det. Disimone explained that the forcible takedown checked of on the TRI report was in regards to the officers struggling with § 87(2)(b) on the ground; Det. Disimone denied forcibly taking § 87(2)(b) down to the ground.

An ISAR report prepared in regards to this incident noted that video footage was recovered by Captain Thomas Fraser. However, the investigation was informed by IAB that Captain Fraser only reviewed the footage, but did not retain it (Board Review 27).

The Medical Treatment of Prisoner Report noted that § 87(2)(b) complained of pain to this right side of his jaw (Board Review 18).

§ 87(2)(b)'s arrest photo depicts a head injury covered by a gauze pad on the top of his head (Board Review 14). There appears to be no other injuries depicted in his arrest photo.

§ 87(2)(g)

Allegation (B) Force: At § 87(2)(b) in the Bronx, Detective Jodi Brown used physical force against § 87(2)(b)

Allegation (C) Force: At § 87(2)(b) in the Bronx officers used physical force against § 87(2)(b)

In a phone statement, § 87(2)(b) stated that officers stomped on him while he was on the ground prior to him being handcuffed (Board Review 02). § 87(2)(b) did not provide any additional details regarding the circumstances and did not cooperate with the investigation.

In his initial phone statement, § 87(2)(b) stated that two officers kicked § 87(2)(b) while he was on the ground. However, during his CCRB interview, § 87(2)(b) did not mention that officers kicked § 87(2)(b) until the undersigned specifically asked this (Board Review 01). In response, § 87(2)(b) stated that he saw an officer kick § 87(2)(b)'s left rib area once. § 87(2)(b) described this officer as a § 87(2)(b).

Det. Brown is a black male, who is § 87(2)(b); he closely matches § 87(2)(b) description of the subject officer. As such, Allegation B is being pleaded against Det. Brown.

When officers first arrived to apprehend § 87(2)(b) ran away and knocked down Det. Brown. Det. Toribio, Sgt. Pabon, Det. O'Connell, Det. Brown, and Det. Disimone all assisted with placing § 87(2)(b) in handcuffs. Det. Brown provided a different account than the other officers interviewed in regards to how § 87(2)(b) was positioned as he was being handcuffed. Det. Brown stated that § 87(2)(b) was standing when officers were placing him in handcuffs. Det. Brown saw that the officers had difficulties with getting § 87(2)(b)'s arms and so Det. Brown placed his arm against § 87(2)(b)'s back to hold § 87(2)(b) in place because § 87(2)(b) was moving his body left and right. Eventually, after approximately a minute, the officers handcuffed § 87(2)(b). Det. Brown did not see officers do anything else to handcuff § 87(2)(b) aside from grabbing his arms. § 87(2)(b) was never on the ground. Det. Brown denied kicking or stomping on § 87(2)(b) and did not see officers do so.

Det. Toribio, Sgt. Pabon, Det. O'Connell, and Det. Disimone all stated that § 87(2)(b) was on the ground at some point as they attempted to place him in handcuffs. All of the officers stated that § 87(2)(b) refused to place his arms behind his back.

Det. Demelia, Det. Humphrey, and Det. Anderson stated that when they approached § 87(2)(b) was already in handcuffs and standing.

None of the officers interviewed stated that they kicked or stomped on § 87(2)(b) and denied seeing another officer do so.

Det. Oconnell, Det. Toribio, Det. Disimone, and Det. Brown prepared TRI reports in regards to this incident; foot strikes were not documented in their TRI reports.

§ 87(2)(g)
[REDACTED]
[REDACTED]
[REDACTED]

§ 87(2)(g)
[REDACTED]
[REDACTED]
[REDACTED]

Allegation (D) Discourtesy: Detective Jodi Brown spoke discourteously to § 87(2)(b)
In his CCRB statement, § 87(2)(b) stated that he was recording § 87(2)(b) arrest from approximately a few feet away from the officers. § 87(2)(b) told the officers that they were wrong, improper, and unprofessional. Det. Brown subsequently told § 87(2)(b) “Get the fuck out of here,” “mind your business,” and told § 87(2)(b) to move. § 87(2)(b) stepped back and crossed the street as he continued to record.

In his CCRB statement, Det. Brown stated that there were approximately 10-15 people lingering approximately 10-15 feet away as they were placing § 87(2)(b) in handcuffs (Board Review 05). Det. Brown stated that the crowd was at a “safe distance” which Det. Brown described as “across the street” and “a couple of car lengths away.” Det. Brown did not see anyone recording during the incident and denied saying, “Get the fuck out of here.”

None of the officers interviewed stated that they heard Det. Brown use profanities during the incident (Board Review 03-12).

§ 87(2)(g)
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Allegation (E) Force: At § 87(2)(b) in the Bronx, Detective Robert Jaquez used physical force against § 87(2)(b)

Allegation (F) Force: At § 87(2)(b) in the Bronx, officers used physical force against § 87(2)(b)

In his CCRB statement, § 87(2)(b) stated that after he crossed the street in response to an officer telling him to move, he continued to record and said, “I got ya on video” (Board Review 01). Approximately three officers came from behind § 87(2)(b) and forcefully threw him against a vehicle. § 87(2)(b) did not see these officers. § 87(2)(b) chest and face hit the hood of the vehicle. § 87(2)(b) torso was bent over the hood of the vehicle and the officers held his arms, extended them behind his back, and then placed him in handcuffs. Two officers held § 87(2)(b) by his arms and escorted him to an unmarked police van.

Det. Jaquez and UC § 87(2)(b) provide generally consistent accounts of what occurred after UC § 87(2)(b) completed the buy and bust operation (Board Review 07 and 11). Det. Jaquez met with UC § 87(2)(b) away from the scene of § 87(2)(b)'s arrest to discuss the details of the buy with § 87(2)(b) when § 87(2)(b) came from behind them and stuck his phone closely towards UC § 87(2)(b). In Det. Jaquez's CCRB statement, Det. Jaquez stated that § 87(2)(b) held up a fist with his other hand. UC § 87(2)(b) stated that § 87(2)(b) other hand was down to his side at the time, but he believed that § 87(2)(b) was going to hit him. UC § 87(2)(b) also recognized § 87(2)(b) as one of the males who stood near § 87(2)(b) during the buy and bust and assumed that § 87(2)(b) was possibly a "lookout." Det. Jaquez and UC § 87(2)(b) stated that § 87(2)(b) used profanities while speaking to UC § 87(2)(b) saying something to the effect of "I got you now motherfucker," and "Rat bastard." UC § 87(2)(b) believed that § 87(2)(b) said these things to express that UC § 87(2)(b) was an officer and thus compromising his identity.

§ 87(2)(g) In his CCRB statement, UC § 87(2)(b) stated that Det. Jaquez grabbed § 87(2)(b) arms, placed them behind his back, and then pinned § 87(2)(b) against a vehicle. Det. Jaquez stated that when he saw § 87(2)(b) sticking his phone towards UC § 87(2)(b)'s face, Det. Jaquez immediately wrapped his arms around § 87(2)(b) in a bear hug and told him to put his hands behind his back, stop moving, and stop resisting. Det. Jaquez and UC § 87(2)(b) stated that § 87(2)(b) resisted by trying to break free of Det. Jaquez's hold. At some point two unidentified uniformed officers arrived and assisted Det. Jaquez. Det. Jaquez denied intentionally placing § 87(2)(b) against a vehicle, but stated that they were standing between two vehicles at some point and during the struggle § 87(2)(b) made contact with the vehicles due to the confined space.

UC § 87(2)(b) prepared an observation report detailing what happened when § 87(2)(b) approached him and it was generally consistent with his CCRB statement (Board Review 23).

§ 87(2)(g)

§ 87(2)(g)

Allegation (G) Discourtesy: At § 87(2)(b) in the Bronx an officer spoke discourteously to § 87(2)(b)

In his CCRB statement, § 87(2)(b) stated that as the officers placed him inside the police van, § 87(2)(b) complained that his glasses were falling off (Board Review 01). In response, an officer, who § 87(2)(b) did not see, said they did not give a "fuck."

Aside from Det. Humphrey, no other officers recalled § 87(2)(b) complaining that his glasses were falling off (Board Review 03-12). Det. Humphrey stated that he pushed § 87(2)(b) glasses up on his face in response (Board Review 06). All of the officers interviewed, including Det.

Humphrey, denied telling § 87(2)(b) that they did not give a “fuck,” and did not hear another officer say this.

§ 87(2)(g)

Allegation (H) Force: At § 87(2)(b) Detective David Demelia used physical force against § 87(2)(b)

Allegation (I) Force: At § 87(2)(b) Detective David Demelia struck § 87(2)(b) s head against an object.

In his phone statement, § 87(2)(b) stated that while he was inside the hospital, Det. Demelia told § 87(2)(b) to put his feet down and directed § 87(2)(b) to sit on another chair (Board Review 02). As § 87(2)(b) was getting up, Det. Demelia grabbed and pushed him against a paper towel dispenser causing § 87(2)(b) s forehead to bleed. At some point, Det. Demelia kicked § 87(2)(b) s legs by his knee and on the third kick § 87(2)(b) fell to the floor. As stated above, additional information could not be obtained because § 87(2)(b) did not cooperate with the investigation.

§ 87(2)(b) was not present at the hospital.

Det. Humphrey and Det. Demelia provided generally consistent accounts regarding § 87(2)(b) requesting medical attention and what occurred at the hospital (Board Review 06 and 12). Det. Humphrey and Det. Demelia did not see any injuries on § 87(2)(b) and neither officers recalled why § 87(2)(b) requested medical attention. At the hospital, as they waited for § 87(2)(b) to receive medical attention, § 87(2)(b) placed his feet on a desk, a seat, or some medical equipment. Det. Humphrey and Det. Demelia instructed § 87(2)(b) to place his feet down multiple times, but § 87(2)(b) refused to do so. Det. Demelia denied kicking § 87(2)(b) At some point, § 87(2)(b) stood up and headbutted a towel dispenser. Det. Demelia denied pushing § 87(2)(b) s head against the towel dispenser and denied making any physical contact with § 87(2)(b) s head. Det. Humphrey did not see Det. Demelia kick § 87(2)(b) or push § 87(2)(b) s head against a towel dispenser.

§ 87(2)(b) s arrest photo shows an injury to the top of § 87(2)(b) s head (Board Review 14). § 87(2)(b) s Medical Treatment of Prisoner and ISAR report noted that § 87(2)(b) had a self-inflicted cut on his forehead from the hospital (Board Review 18). It was also noted in the ISAR that § 87(2)(b) intentionally banged his head at the hospital.

§ 87(2)(g)

§ 87(4-b), § 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) and § 87(2)(b) has been a party (Board Review 13 and 22).
- Det. Disimone has been a member of service for 22 years and has been a subject in six CCRB complaints and 10 allegations, none of which were substantiated. § 87(2)(g)
- Det. Demelia has been a member of service for 21 years and has been a subject in 17 CCRB complaints and 40 allegations, of which 12 were substantiated.
 - 200106932 involved substantiated allegations of force, threat of force, and discourtesy against Det. Demelia. The Board recommended Charges and the Deputy Commissioner of Trials dismissed the Charges.
 - 200108012 involved substantiated allegations of force, question/stop, frisk/search, refusal to provide name/shield, and retaliatory summons, and discourtesy. The Board recommended Charges and the Deputy Commissioner of Trials dismissed the Charges.
 - § 87(4-b), § 87(2)(g)
 - § 87(4-b), § 87(2)(g)
 - § 87(2)(g)
- Det. Jaquez has been a member of service for 14 years and has been a subject in three CCRB complaints and six allegations, none of which were substantiated. § 87(2)(g)
- Det. Brown has been a member of service for 14 years and has been a subject in six CCRB complaints and 17 allegations, none of which were substantiated. § 87(2)(g)
- Sgt. Pabon has been a member of service for 14 years and this is the first CCRB complaint to which he has been a subject.

Mediation, Civil and Criminal Histories

- This complaint was not suitable for mediation.
- As of July 8, 2019, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards to this complaint (Board Review 30).
- § 87(2)(b) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] § 87(2)(b) criminal charges regarding his arrest on December 4, 2018 is no longer in the OCA database (Board Review 25).
- § 87(2)(b) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] Regarding his arrest on December 4, 2018, § 87(2)(b) was convicted of criminal sale of a controlled substance in fourth degree § 87(2)(b) [REDACTED]
[REDACTED]

Squad No.: _____

Investigator: _____
Signature Print Title & Name Date

Squad Leader: _____
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date